

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	4:05CR3001
	)	
Plaintiff,	)	
	)	<b>MEMORANDUM</b>
vs.	)	<b>AND ORDER</b>
	)	
MARCO ALLEN CONEY,	)	
COURTNEY ALLEN CONEY,	)	
and ROBERT ALLEN CONEY,	)	
	)	
Defendants.	)	

This matter is before the court on the Magistrate Judge's Recommendation—made orally at the conclusion of the suppression hearing (filing 66; filing 69, at 321-29)—that the defendants' motions to suppress (filings 27, 31, 40, 44) be denied. The defendants have objected to the Recommendation (filings 71, 73, 77) pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3. After a de novo review of the Magistrate Judge's Recommendation pursuant to 28 U.S.C. § 636(b)(1) and NECrimR 57.3, I conclude that the Magistrate Judge's Recommendation should be adopted as to defendants Courtney Allen Coney ("Courtney") and Robert Allen Coney ("Robert"); Courtney and Robert's objections (filings 71, 73) to the Recommendation should be denied; and Courtney and Robert's motions to suppress (filings 27, 31, 40) should be denied for the reasons articulated by Magistrate Judge Piester (filing 69, at 321-29). In light of defendant Marco Allen Coney's intent to plead guilty (filing 79), I shall reject the Magistrate Judge's Recommendation as moot as to that defendant.

Accordingly,

IT IS ORDERED:

1. The Magistrate Judge's Recommendation (filing 66) is adopted as to defendants Courtney Allen Coney and Robert Allen Coney;
2. The objections to the Recommendation filed by defendants Courtney Allen Coney and Robert Allen Coney (filings 71, 73) are denied;
3. The motions to suppress filed by defendants Courtney Allen Coney and Robert Allen Coney (filings 27, 31, 40) are denied;
4. Defendant Marco Allen Coney's motion to suppress (filing 44), the Magistrate Judge's Recommendation as to that motion (filing 66), and the objections thereto (filing 77) are rejected and denied as moot in light of defendant Marco Allen Coney's intent to enter a guilty plea (filing 79);
5. The Clerk of Court shall provide a copy of this Memorandum and Order to the assigned Magistrate Judge.

DATED this 7th day of June, 2005.

BY THE COURT:  
s/Richard G. Kopf  
United States District Judge